

Chemical plants still vulnerable, critics say

By Jim Snyder

Three years after a Senate panel unanimously passed a bill to create security standards for the nation's chemical plants, Congress has yet to agree to mandatory safeguards.

Without national standards and an enforcement mechanism to ensure they are followed, some experts fear some plants with hazardous chemicals such as ammonia and chlorine continue to be vulnerable to terrorist attacks as lawmakers scramble to upgrade security on the nation's transit systems in response to the terrorist attacks in London.

Supporters of plant-security legislation say attacks on plants with dangerous chemicals are a bigger worry because wind can spread lung-searing vapors over a broad territory, potentially causing more death and injury than a conventional subway bomb attack, for example.

Several lawmakers have promised to press for additional money to upgrade transit security after the London attacks.

Meanwhile, the Senate Homeland Security and Governmental Affairs Committee, which has taken over jurisdiction of the issue from the Environment and Public Works Committee, will hold a hearing today on plant-security legislation.

At least one industry group, the American Chemistry Council (ACC), says it supports national security standards for its plants, although it was among a coalition of industry groups that lobbied successfully to defeat the bill that passed the Public Works Committee 19-0 in 2002.

That bill, pushed by Sen. Jon Corzine (D-N.J.), sought to set security standards and establish an enforcement mechanism to ensure compliance. What troubled industry groups most, however, was language backing a federal push to get the industry to use "inherently safer technologies," which they worried could lead to new pressures to outlaw dangerous but useful chemicals.

Republicans on the committee said they voted for the Corzine bill with the understanding that it would later be amended. But no agreement has since been reached on how broad a regulatory reach the federal government should have.

Kate McGloin, an ACC spokeswoman, said the group continues to oppose language mandating use of inherently safer technologies because there is no methodology to determine which chemicals would qualify.

While Congress has yet to pass federal standards, chemical companies say they pressed forward with voluntary security improvements even as they lobbied against the Corzine bill along with groups such as the American Petroleum Institute.

The ACC estimates member companies have spent more than \$2 billion on security improvements.

In a fact sheet circulated on Capitol Hill, the ACC notes that 2,040 member facilities have completed "rigorous vulnerability assessments and have implemented security enhancements."

While acknowledging improvements, Corzine is still pressing for a security bill.

"While some private companies should be recognized and applauded for voluntarily increasing security at chemical facilities, far too many are still unprepared to defend against a terrorist attack," said Anthony Coley, a spokesman for Corzine, in a statement.

Congressional inaction has left a "patchwork of security" at the nation's chemical plants, Coley said.

At a committee hearing in April, Stephen Flynn, author of *America the Vulnerable*, which detailed perceived weaknesses in homeland-security defenses, told committee members that the federal government should take a "far more active role" at chemical plants.

"Terrorist attacks on the U.S. chemical industry have the potential to kill tens of thousands of Americans and seriously injure many more," Flynn said.

Richard Falkenrath, a fellow at the Brookings Institute and a former White House staff adviser on homeland security, said chemicals such as chlorine, ammonia, phosgene and methyl bromide — so-called toxic-inhalation-hazard, or TIH, industrial chemicals — are "uniquely deadly, pervasive and susceptible to terrorist attack."

Administration officials, too, have called for federal standards. The Department of Homeland Security is working on safety standards, but officials have said congressional action is necessary because it isn't clear what powers the department has over the industry.

As the Senate hearing approached in April, Marty Durbin, a lobbyist for the ACC, wrote in an e-mail to member companies that the group was detailing for committee members and staffers the "investments made in security since 9/11 without government intervention."

He added that lobbyists were "making sure they know ACC members SUPPORT meaningful, security-focused legislation."

Chemical and fertilizer companies argue that environmental groups have used fears of a terrorist threat to outlaw use of certain hazardous chemicals they've long tried to ban as an environmental threat.

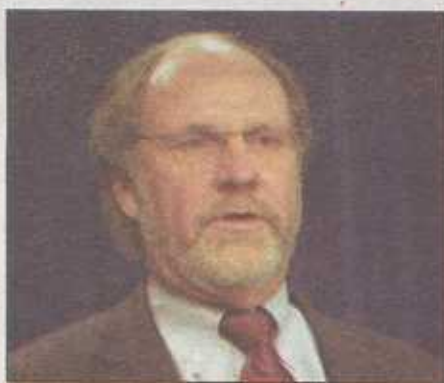
A related fight is over what happens to the hazardous chemicals once they leave a chemical plant and are transported along the nation's freight rail lines.

Rep. Edward Markey (D-Mass.) has reintroduced a rail-security bill that died last Congress that would require the Homeland Security Department to mandate certain chemicals be rerouted around highly populated areas. A Markey aide said the rail-security bill faces a strong industry lobbying campaign against it.

The Association of American Railroads, the main trade group for rail lines, argued that rerouting is more dangerous because it means the hazardous chemicals have to travel a longer route to their destination. The ACC also opposes the bill.

Republicans agreed with industry arguments and defeated Markey's efforts to attach his bill as an amendment to the homeland-security authorization bill during markup.

The Markey aide said the rail industry worried about costs, but Obie O'Bannon, a lobbyist at the railroad group, said the transportation of hazardous materials amounts to less than 1 percent of freight rail revenues.



FILE PHOTO

Sen. Jon Corzine (D-N.J.)